

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JORGE GALEAS-MENCHU-EL, JR.,)
)
)
Plaintiff,)
)
)
v.) 1:20CV761
)
DONALD J. TRUMP, et al.,)
)
Defendants.)

ORDER

This matter is before this court for review of the Recommendation filed on September 14, 2020, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that this action be construed as a civil rights action under 42 U.S.C. § 1983 and be dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the current Complaint. The Recommendation was served on the parties to this action on September 14, 2020. (Doc. 4.) Plaintiff filed a notice, (Doc. 5), and objections, (Doc. 7), to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." *Id.*

This court has appropriately reviewed the notice and portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's document, (Doc. 1), is construed as a civil rights action pursuant to 42 U.S.C. § 1983, and that this action is hereby dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and Recommendation.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 18th day of November, 2020.

William L. Osteen, Jr.
United States District Judge